

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

(Filed: April 24, 2007)

No. 05-883V

UNPUBLISHED

_____)	
ELIZABETH CARRIER,)	
)	
Petitioner,)	
)	
v.)	Stipulation; Attorney's Fees and
)	Costs
SECRETARY OF THE DEPARTMENT)	
OF HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
_____)	

Michael London, New York, NY, for petitioner.

Mark Raby, with whom were Peter D. Keisler, Assistant Attorney General, Timothy P. Garren, Director, Vincent J. Matanoski, Acting Deputy Director, and Catharine E. Reeves, Assistant Director, Department of Justice, Civil Division, Torts Branch, Washington, DC, for respondent.

ORDER AND DECISION¹

On August 15, 2005, Elizabeth Carrier ("petitioner"), filed a petition for compensation alleging that she suffered certain injuries as a result of receiving a vaccination. She sought an award under the National Vaccine Injury Compensation

¹ Vaccine Rule 18(b) states that all of the decisions of the special masters will be made available to the public unless the decisions contain trade secrets or commercial or financial information that is privileged or confidential, or the decisions contain medical or similar information the disclosure of which clearly would constitute an unwarranted invasion of privacy. Within 14 days of the filing of a decision or substantive order with the Clerk of the Court, a party may identify and move for the redaction of privileged or confidential information before the document's public disclosure.

Program, National Vaccine Injury Compensation Program² (the Act or the Program). 42 U.S.C. §§ 300aa-1 to -34 (2000 & Supp. II 2003).

On October 6, 2006, counsel for both parties filed a stipulation, stating that a decision should be entered awarding compensation. The parties stipulated that petitioner shall receive the following compensation:

A lump sum of \$ 75,000.00 in the form of a check payable to petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. §300aa-15(a).

Stipulation ¶ 8(a).

On October 23, 2006, the undersigned entered a decision that endorsed the parties' stipulation and awarded petitioner compensation in the amount of \$75,000. On November 29, 2006, judgment entered.

On March 16, 2007, counsel for both parties in the matter contacted the court and represented that they had reached an agreement regarding petitioner's counsel's fees and costs. The parties represented that petitioner's counsel had first requested \$43,852.53. Respondent informally communicated his objections to petitioner's counsel who then agreed to amend his fee request to \$35,852.22.

On March 20, 2007, petitioner's counsel filed an Affidavit in Accordance with General Order No. 9 (P's Affidavit), on behalf of petitioner wherein petitioner represented that she "had incurred no costs or expenses in the prosecution of my Petition in the Vaccine proceeding." P's Affidavit at 1.

By April 2, 2007 Order, the undersigned ordered petitioner's counsel to file a copy of the stipulated fees petition for the undersigned to review for "reasonableness" pursuant to the Vaccine Act. On April 16, 2007, petitioner's counsel filed Petitioner's Fees and Cost (P's Fees), wherein petitioner represented that the parties agree that petitioner's counsel's requested fees are "fair and reasonable fees and costs." P's Fees at 1. Petitioner's Fees and Cost request reflects that petitioner's counsel is seeking \$23,510.00

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2000 & Supp. II 2003) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

for attorneys' fees, and \$12,342.22 for costs borne by petitioner's counsel.

The undersigned approves the requested amount for fees and costs. Accordingly, an award should be made in the form of a check payable jointly to petitioner and Mr. Michael London in the amount of \$35,852.22. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

Patricia Campbell-Smith
Special Master

³Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.